

NOTICE

U.S. Department of Transportation
Federal Aviation Administration

N 8110.69

Cancellation
Date: 6/30/98

SUBJ: SUPPLEMENTAL TYPE CERTIFICATE REQUIREMENTS

1. **PURPOSE.** This notice provides procedures to supplement Order 8110.4A, Type Certification Process, in order to enhance implementation of the Federal Aviation Authorization Act of 1996 (Public Law 104-264), Section 403. Supplemental Type Certificates (STCs) and provide examples contained in the appendices. The guidance contained in this notice will be included in the next revision of Order 8110.4A.

2. **DISTRIBUTION.** This notice is being distributed to the branch level of Washington headquarters; to the branch level in the Aircraft Certification Directorates; all Manufacturing Inspection Offices; all Aircraft Certification Offices; all Manufacturing Inspection District and Satellite Offices; and all Flight Standards District Offices.

3. **BACKGROUND.**

a. The Federal Aviation Authorization Act of 1996 was enacted by Congress in September and signed into law by the President on October 9, 1996. This amendment reauthorized the programs of the FAA in many areas, and added Section 403, which amended Section 44704 of 49 U.S.C. 40101 et. seq. (the ACT), to add requirements pertaining to STCs. Specifically for the purposes of this notice, section 44704 was amended with insertion of new language formally establishing STCs in the ACT. This language pertains to issuance, contents, and the requirements of STCs.

b. This new law does not affect the certification requirements for an applicant obtaining an original STC for a major change in type design of an aircraft, aircraft engine, propeller, or appliance following the current type certification procedures in Order 8110.4A. The FAA, as directed by the law, is implementing all the provisions of Section 403 of the Federal Aviation Authorization Act of 1996. This notice provides the procedures needed to implement the amendment and are effective on the date of issue of this notice.

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Initiated By: AIR-110

4. **AMENDMENT LANGUAGE.** Public Law 104-264, SEC.403. SUPPLEMENTAL TYPE CERTIFICATES amends section 44704 of 49 U.S.C. 40101 (the ACT) by inserting the following:

"(b) SUPPLEMENTAL TYPE CERTIFICATES.

(1) ISSUANCE. The Administrator may issue a type certificate designated as a supplemental type certificate for a change to an aircraft, aircraft engine, propeller, or appliance.

(2) CONTENTS. A supplemental type certificate issued under paragraph (1) shall consist of the change to the aircraft, aircraft engine, propeller, or appliance with respect to the previously issued type certificate for the aircraft, aircraft engine, propeller, or appliance.

(3) REQUIREMENT. If the holder of a supplemental type certificate agrees to permit another person to use the certificate to modify an aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. A person may change an aircraft, aircraft engine, propeller, or appliance based on a supplemental type certificate only if the person requesting the change is the holder of the supplemental type certificate or has permission from the holder to make the change."

5. **INTRODUCTION OF STC IN THE ACT.** While STCs were not previously defined in the ACT specifically, the FAA considered them as type certificates in the broad sense under a) Type Certificates of Section 44704 of 49 U.S.C. 40101. The amendment to Section 44704 now clearly designates an STC as a type certificate (ISSUANCE paragraph), and is not inconsistent with previous FAA interpretations.

6. **ISSUANCE LANGUAGE.** The new language in the ISSUANCE paragraph of the statute is consistent with current regulation and policy and does not require rulemaking action on the part of the FAA. The 14 CFR part 21.113, "Requirement of supplemental type certificate" already requires that "Any person who alters a product by introducing a major change in type design...shall apply to the Administrator for a supplemental type certificate..." The amendment language for Issuance is considered a statement of clarification and has little impact on certification responsibilities for the FAA and the applicant.

7. **CONTENTS LANGUAGE.** The language in the CONTENTS provision of the statute is straightforward and is consistent with the requirements already specified in the FARs. The 14 CFR part 21.117 "Issue of supplemental type certificates" section (b) states "A supplemental type certificate consist of 1) The approval by the Administrator of a change in the type design of the product; and 2) The type certificate previously issued for the product." An STC is considered to consist

of the change approval for a product and the previously issued type certificate upon which it is based.

8. REQUIREMENT LANGUAGE.

a. The FAA construes the REQUIREMENT provision of this amendment to mean that STC holders, and persons making alterations based on STCs, must meet additional requirements as imposed by the plain language of the statute. These additional responsibilities give STC holders an avenue of recourse in cases where their STC technical package is used without permission as the basis to make alterations on other aircraft, aircraft engines, propellers or appliances, most notably through field installations, i.e., FAA Form 337. The amendment to Section 44704 is designed to put the least amount of burden on the FAA, the STC owner, an installer, or an authorized STC user by requiring a simple written statement of permission be generated as part of the use agreement.

b. Nothing in this provision is intended to alter or modify the continuing obligation of an STC design holder under existing Federal Aviation Regulations to notify the operator of an STC modified aircraft of changes necessary to ensure continued airworthiness of the product.

9. RESPONSIBILITIES UNDER THE NEW STATUTE.

a. For the ISSUANCE and CONTENTS provisions of the ACT, no new requirements are added. For the REQUIREMENTS provision, the STC holder, if he wishes to make his STC available to others, must issue a written permission statement to each applicable persons making alterations based on his STC. If an STC holder is making the alteration to their own aircraft, aircraft engine, propeller, or appliance only, the permission statement provisions do not apply.

b. Each person who installs another person's STC, including a person making an alteration for a product owner/operator, should be aware of the need for the permission of the STC holder. The mechanic, repair station, or other facility making the installation should, to protect themselves, request to see and/or copy the written permission. The installer, mechanic, or repair station which has obtained permission directly from the STC holder to use the STC shall furnish a copy of the STC holder's permission statement to the modified product owner/operator before completion of the alteration.

c. This amendment will not be retroactively applied to STCs installed before the issuance of this notice. STC holders who have obtained the STC by transfer after this notice is issued are not required or expected to issue a retroactive permission statement for already installed STCs, but are required to issue a permission statement to each authorized user they themselves permit to use the STC.

d. The new requirements of the statute do not require the FAA to be an enforcer of copyright statutes nor an adjudicator of property rights. The FAA responsibilities for certification activities remain unchanged by this legislation. The FAA, based on data submitted by an applicant, makes a finding that the applicable airworthiness requirements have been met. Once this finding has been made the FAA issues a certificate to the applicant. The certificate is the means by which the FAA conveys the approval and the right to exercise the privileges of that certificate.

10. **RECORDKEEPING.** Consistent with the intent of the Paperwork Reduction Act, the FAA is not imposing new recordkeeping requirements. STC holders and installers should be advised to retain records and copies thereof in order to be able to demonstrate compliance with the amendment to Section 44704. The owner/operator of the product on which an STC alteration is installed should be advised to retain a copy of each permission statement.

11. **PROCEDURES.**

a. **NOTIFICATION STATEMENT IN STC CERTIFICATE FORM 8110-2.**

The STC holder will be given notification of the new statute requirement directly on the STC Certificate, at time of issuance. On the face of the certificate, the following will be included in every multiple STC:

"If the holder agrees to permit another person to use this certificate to alter the product, the holder shall give the other person written evidence of that permission."

This statement should be located on page 1 of the STC under the "Limitations and Conditions" section, directly ahead of the statement "This certificate and the supporting data..." (See appendix 1).

b. STC WRITTEN PERMISSION STATEMENT.

The new amendment to Section 44704 requires the STC holder to provide some written evidence if the holder permits another person to use the STC data to modify an aircraft, aircraft engine, propeller, or appliance. This written evidence will be known as the "Permission Statement". The form of the permission statement, to be acceptable to the Administrator, will as a minimum contain the following:

- (1) a written statement of the agreement specifying product(s) to be altered;
- (2) the STC Number;
- (3) the person(s) who is being given consent to use the STC.

More information may be listed if the STC holder so desires such as the effective date, how many times the STC may be used for fleets of aircraft, etc. (See appendix 2).

12. ENFORCEMENT. Any person who makes or causes to be made a fraudulent or intentionally false statement or entry, that falsely expresses permission from an STC holder to use that STC, may be in violation of 14 CFR Sections §21.2 or §43.12.

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